

6. The project is an infill residential project proposed in an area where residential development is a permitted use. The project is adequately served by public streets, will provide adequate parking to meet the demands of the project and will not result in traffic impacts because, once the minimal number of new trips (1 AM and 1 PM peak hour) are added to the street network, there will not be an impact at any of the City's identified year 2030 impacted intersections. The design has been reviewed by the City's design review board, which found the architecture and site design appropriate, as described in Section VIII of the Staff Report dated April 5, 2017.

**D. MODIFICATION (SBMC §28.92.110).** The Staff Hearing Officer finds that the Parking Modification is consistent with the purposes and intent of the Zoning Ordinance and will not cause an increase in the demand for parking space or loading space in the immediate area because the parking demand for the duplex and new residential unit will be met on site with the five covered parking spaces because two parking spaces are provided for the new residential unit, and no new floor area is proposed for the existing duplex. Additionally, the subject property is located in close proximity to services and public transportation.

**II.** In consideration of the project approval granted by the Staff Hearing Officer and for the benefit of the owners and occupants of the Real Property, the owners and occupants of adjacent real property and the public generally, the following terms and conditions are imposed on the use, possession, and enjoyment of the Real Property:

**A. Order of Development.** In order to accomplish the proposed development, the following steps shall occur in the order identified:

1. Obtain a revision to Building Permit (BLD2015-02604) to perform all physical improvements necessary, if applicable, to bring the one-bedroom unit under construction up to new condominium standards prior to occupancy clearance, as described in SBMC 27.13.060.
2. Obtain a revision to Building Permit (BLD2015-01155) to perform all physical improvements necessary, if applicable, to bring the existing five-bedroom unit up to new condominium standards prior to occupancy clearance, as described in SBMC 27.13.060.
3. Obtain all required design review approvals.
4. Pay Land Development Team Recovery Fee (30% of all planning fees, as calculated by staff) at time of building permit application.
5. Pay Inclusionary Housing In-Lieu Fee.
6. Submit an application for and obtain City Council approval of the Parcel Map and Agreement and record said documents.
7. Permits following recordation of Parcel Map.
  - a. Submit an application for and obtain a Building Permit (BLD) for construction of the new detached three-bedroom unit and garage.

- b. Submit an application for and obtain a Public Works Permit (PBW) for all required public improvements.

Details on implementation of these steps are provided throughout the conditions of approval.

**B. Recorded Conditions Agreement.** Prior to the issuance of any Public Works permit or Building permit for the project on the Real Property, excluding building permits necessary to bring the one-bedroom and five-bedroom residences up to condominium standards, the Owner shall execute an *Agreement Relating to Subdivision Map Conditions Imposed on Real Property*, which shall be reviewed as to form and content by the City Attorney, Community Development Director and Public Works Director, recorded in the Office of the County Recorder concurrent with the Parcel Map, and shall include the following:

1. **Approved Development.** The development of the Real Property approved by the Staff Hearing Officer on April 12, 2017 is limited of construction of a new 2,537 square foot, two-story single-family dwelling with an attached 471 square foot two-car garage for a total of two condominium units; a new driveway, adjustments to the existing sandstone boundary wall, addition of a new perimeter wall averaging 5 ft. in height, new landscaping, addition of two new storage sheds totaling 110 sq. ft., and 150 cubic yards of fill; as well as public improvements shown on the Tentative Subdivision Map signed by the Staff Hearing Officer on said date and on file at the City of Santa Barbara.  
  
The proposed new dwelling unit will be the third dwelling unit on the site. The property contains a 2,999 square foot five-bedroom residence, known as the “Unity House” that has existed on the site since 1904. In 2015, the owner obtained approvals for a new 719 square foot three-car garage with 687 square foot one-bedroom unit above, which is currently under construction. For clarity, the two attached residential units—the existing 5-bedroom and the one-bedroom under construction—are referred to as the “duplex,” and the proposed detached two-bedroom unit is referred to as the “detached third unit.”
2. **Uninterrupted Water Flow.** The Owner shall provide for the continuation of any historic uninterrupted flow of water onto the Real Property including, but not limited to, swales, natural watercourses, conduits and any access road, as appropriate.
3. **Recreational Vehicle Storage Prohibition.** No recreational vehicles, boats, or trailers shall be stored on the Real Property.
4. **Morton Bay Fig Tree Protection.** The existing Morton Bay Fig tree shown on the Tentative Subdivision Map and Site Plan is a historic resource and shall be preserved, protected, and maintained in accordance with the recommendations contained in the arborist’s report prepared by Bill Spiewak, dated November 8, 2016 and the findings of the follow-up investigation suggested by that report and required in Condition D.1 below.